IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Court No.3

Criminal Revision No. 62/2002

Laxman Singh …. Revisionist.

Vs.

State of Uttaranchal ….. Respondent.

Hon'ble Irshad Hussain, J.

None appeared for the revisionist. Heard Sri Harish Chandra Pandey learned A.G.A. and perused the record of the revision.

2- This criminal revision is directed against the judgment and order dated 18-7-2002 passed Sessions Judge Rudraprayag whereby the appeal preferred by the revisionist against the order passed under section 446 of the Code of Criminal Procedure (for short 'Code') and order of realization of amount of the surety bond passed by the learned Magistrate was dismissed. The revisionist stood surety of the accused Ajit Singh in criminal case under sections 60(2) and 63 of the Excise Act. This accused did not turn up in the proceedings despite coercive measures and he was ultimately declared absconder. The show cause notice was sent to the revisionist-surety who could not put forward any sufficient cause of inability to produce the accused. The bail bond was ultimately forfeited and order of realization of the money of the surety bond was passed by the learned Magistrate. From these facts there appear to be no illegality in the steps and proceedings taken by the learned Magistrate.

3- In the appeal on behalf of the revisionist the only submission made was that there was cogent reasons to remit part of the amount of the surety bond. The submission was not accepted in view of the peculiar facts of the case. The accused of the criminal case was residing in district Bhiwani in the state of Haryana and knowing fully well this aspect the revisionist stood surety. There is nothing to indicate that he was not in a position to pay the amount of the surety bond and therefore the learned Appellate Court/ Sessions Judge Rudraprayag was fully justified in rejecting the appeal against the order passed by the learned Magistrate.

4- In view of above there is no merit in this revision and the same is hereby dismissed.

(Irshad Hussain, J.)

Dated 20-10-03

ISB